(3) (5)

Division Bench

IN THE HIGH COURT OF (CHHATTISGARH) AT BILASPUR

MISC. APPEAL (C) No.253 /2006.

APPELLANT : 1) Manki Bai,
W/o. late Shri Laxmi Narayan Dewangan, aged about 50 Years,

CLAIMANT

2) Ram Krishna Dewangan, S /o. late Shri Laxmi Narayan Dewangan, aged about 31 years.

3) Devendra Kumar Dewangan, S/o. late Shri Laxmi Narayan Dewangan, aged about 29 Years,

4) Surendra Kumar Dewangan, S/o. late Shri Laxmi Narayan Dewangan, aged about 25 Years,

All R/o. Village Khaprabhat, Post Devri Banglow Tahsil Dondilohara, Distt. Distt.- Durg (C. G.)

P.R. No. 3700 dt. 6
Presented by Shri Jabalpur Kr. Dewangan
dated 06/11/06

(6)

(4)

Present R/o. Sur Singar Shankar Nagar Near Gulati Narsingh Home Durg P. S. Mohan Nagar, Distt. Durg (C. G.)

V E R S U S

RESPONDENTS :1) Anil Kumar Sahu, S/o. Shri Anand Ram Sahu, aged about 35 years.

DRIVER

2) Anand Ram Sahu, S/o. Shri Punau Ram Sahu, aged about 60 years.

OWNER

Both R/o. Qu. No. F/32 193/C, Rajya Vidyut Mandal Colony Bhilai-3, Tahsil and District Durg (C. G.).

3. The Brach Manager, New Insurance Company Limited Power House Opp. Project Automobilies Bhilai P.S. Chhawni, Tahsil & Distt. Durg (C.G.)

INSURER

(5) (5)

MEMO OF MISC. APPEAL (C) U/S 173 OF THE MOTOR VEHICLE ACT 1988.

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

MISC. APPEAL (C) NO. 253 OF 2007

APPELLANTS Manki Bai & Others

Versus

RESPONDENTS Anil Kumar Sahu & Others

Present : Shri J. Gupta, counsel for the appellants.

None for the respondents.

ORAL ORDER
(Passed on 28th February, 2007)

The following oral order of the Court was passed by **Vijay Kumar Shrivastava, J.**

On 29-3-2004 Laxmi Narayan Dewangan (since deceased) and other persons namely Rahul, Anuj, Suraj, Mahendra and Chotelal were returning after attending the marriage function by jeep bearing registration No.CG-07-ZD-1325 (*for short "the offending vehicle"*), as a result of rash and negligent driving of respondent No.1, the offending vehicle met with an accident near Ganapati Salvent. The deceased sustained injuries and succumbed to those. Appellants/claimants, who are the legal representatives of the deceased, filed an application under Section 166 of the Motor Vehicles Act, 1988 (*for short "the Act, 1988"*) against all the respondents, who are driver, owner, and insurer of the offending vehicle. Respondents contested the claim. 11th Additional Motor Accident Claims Tribunal, Fast Track Court, Durg (*for short "the Tribunal"*) after due enquiry passed the impugned award dated 31-7-2006 in claim case No.4/2005 whereby allowed compensation in favour of the appellants as per the detail given below :

S.No.	Head	Amount
1.	Loss of dependency	50,000=00
2.	For medical expenses	2,136=00
3.	For Consortium	5,000=00
4.	For love & affection	15,000=00
5.	For funeral expenses	2,000=00
6.	For loss of estate	10,000=00
	TOTAL	**84,136=00**

Feeling aggrieved the appellants have filed this appeal under Section 173 of the Act, 1988 for enhancement of the compensation amount.

2) Learned counsel for the appellants contended that the award passed by the Tribunal is not just and reasonable.

3) We have gone through the award. The age of the deceased has been recorded 67 years by the Tribunal in accordance with the legal evidence present in the record. No legal documentary evidence has been adduced by the appellants in support of any income of the deceased. Therefore, the Tribunal after taking the notional income Rs.15,000/- per annum reduced 1/3rd towards his own expenses and applying multiplier of 5, recorded compensation towards loss of income Rs.50,000/-. Tribunal sympathetically considered the case and allowed reasonable amount towards other heads as above. We are of the considered view that the amount awarded by the Tribunal is just and reasonable.

4) In the result, the appeal being devoid of substance deserves to be dismissed and is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge